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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,187	11/04/2003	Terry L. Cruikshank	1521-272U1	6238

570 7590 05/18/2007
AKIN GUMP STRAUSS HAUSER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

, RUTLEDGE, AMELIA L

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/701,187	Applicant(s) CRUIKSHANK ET AL.	
	Examiner Amelia Rutledge	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: original application, filed 11/04/2003; Information Disclosure Statement, filed 11/04/2003.
2. Claims 1-30 are pending in the case. Claims 1, 15, 22, and 26 are independent claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-21 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Haneda et al. (hereinafter "Haneda"), U.S. Patent No. 6,819,449 B2, issued November 2004.**

Regarding independent claim 1, Haneda discloses a method for a user to create a poster having one or more images, since Haneda teaches a print service for printing posters from digital or film image mediums (col. 9, l. 23-50; Fig. 23). Haneda teaches a touch screen interface connected to a scanner and a network (col. 10, l. 11-58). Haneda teaches prompting the user to select a template corresponding to a type of poster; since Haneda discloses many templates including a decoration, calendar, and

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poster (col. 16, l. 49-54). Haneda teaches prompting the user to select one of a plurality of image sources; receiving one or more images from the selected one of the plurality of image sources; prompting the user to select one or more of the one or more received images, since Haneda teaches that the user may select scanned or digital images and designate the input medium (col. 10, l. 19-36; col. 15, l. 53-col. 16, l. 29). Haneda teaches repeating the selection steps until the desired number of images is selected (col. 16, l. 54-col. 17, l. 20; col. 17, l. 55-col. 18, l. 21). Haneda teaches placing the selected images on the template; and outputting a signal representative of the poster, since Haneda teaches printing the poster and storing data representing the composite image of the poster created by the user (col. 19, l. 25-47).

Regarding dependent claim 2, Haneda teaches including the step of utilizing the output signal to print the poster, since Haneda teaches printing the poster and storing data representing the composite image of the poster created by the user (col. 19, l. 25-47).

Regarding dependent claim 3, Haneda teaches receiving an input from the user for selecting a size of the poster, since Haneda teaches customizing the size of the image to the size of the template (col. 12, l. 66-col. 13, l. 28), and selecting the size of the poster (col. 18, l. 30-54). Haneda teaches a print service for printing posters from digital or film image mediums (col. 9, l. 23-50; Fig. 23). Haneda teaches a touch screen interface connected to a scanner and a network (col. 10, l. 11-58).

Regarding dependent claim 4, Haneda implicitly discloses that the size of the poster may be selected to have substantially any value between approximately 5 inches

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and approximately 48 inches, because Haneda discloses a variety of templates including a cover poster, calendar, enlargement, decoration, and art format (Fig. 23; col. 16, l. 49-53), and Haneda discloses resizing of images for printing (col. 18, l. 30-54), therefore the range of products and automatic resizing implies that the size of the poster may be selected to have substantially any value between approximately 5 inches and approximately 48 inches, based on the type of template selected.

Regarding dependent claim 5, Haneda teaches that the template is selected from the group consisting of a calendar, a poster and an announcement banner, since Haneda discloses many templates including a decoration, calendar, and poster (col. 16, l. 49-54).

Regarding dependent claim 6, Haneda teaches that the image sources include at least one of a CD ROM, a scanner, a digital media reader and a photo gallery of images stored within the workstation, since Haneda teaches a scanner (col. 10, l. 37-65).

Regarding dependent claim 7, Haneda teaches that the poster may be created using images received from any combination of the image sources, since Haneda teaches receiving digital, scanned, and film images as well as decorative images (col. 10, l. 59-65; col. 9, l. 45-58).

Regarding dependent claim 8, Haneda teaches displaying a thumbnail representation of each received image (col. 22, l. 14-26; col. 17, l. 56-col. 18, l. 2).

Regarding dependent claims 9 and 10, Haneda teaches editing each selected image wherein the step of editing the selected image includes at least one of cropping,

rotating, enlarging and reducing the image, since Haneda teaches editing, resizing and rotating the images (col. 18, l. 3-54).

Regarding dependent claims 11-13, Haneda teaches including the step of adding an arbitrary selection of text to the poster, wherein the text comprises a caption associated with an image, and wherein the text comprises a title for the poster, since Haneda discloses adding characters to the composite poster image (col. 18, l. 55-65), and Haneda teaches a title layout and font (col. 12, l. 43-53).

Regarding dependent claim 14, Haneda teaches that text is selected by touching keys included in a representation of a keyboard on a touch screen monitor (col. 12, l. 43-52; col. 15, l. 53-col. 16, l. 54).

Regarding independent claim 15, Haneda teaches a workstation for printing a poster having one or more images, the components of said workstation being contained within a single housing, because Haneda teaches an image filing and printing apparatus which could be installed at a film store, photography shop, department store or convenience store, to be operated by the customer (col. 9, l. 20-58; Fig. 5), and therefore Haneda discloses that the workstation for filing and printing images is contained within a single housing (Fig. 13, item 200). Haneda teaches that the components comprise a computer (col. 10, l. 66-col. 11, l. 32); a memory for storing photo gallery images (col. 10, l. 66-col. 11, l. 32); a device for inputting personal images (col. 9, l. 45-col. 10, l. 11); a touch screen monitor for accepting information from a user (col. 10, l. 19-36); and a printer for printing the poster (col. 10, l. 1). Haneda teaches that the workstation combines one or more of the personal images and one or more of

the photo gallery images for inclusion in the printed poster (col. 11, l. 35-col. 12, l. 8), since Haneda teaches the synthesis of template images and user images to produce a composite image for a poster (col. 16, l. 49-53).

Regarding dependent claim 16, Haneda teaches that the workstation includes a modem (Fig. 5, item 49).

Regarding dependent claim 17, Haneda teaches that the workstation includes a media reader for inputting personal images (Fig. 5, item 47).

Regarding dependent claim 18, Haneda teaches and implies that the workstation includes a CD ROM drive for inputting personal images, because Haneda teaches a digital input medium including optical disks (col. 9, l. 38-46) and a magneto-optic disk drive (col. 10, l. 1-3), and teaches functionality for multiple digital input mediums.

Regarding dependent claim 19, Haneda teaches that the workstation includes a scanner for inputting personal images (Fig. 5, items 42 and 43).

Regarding dependent claim 20, Haneda implicitly discloses that the printer utilizes a roll feeder, since Haneda discloses a printer for both photographs printed on photographic printing paper and printed matter, i.e., posters and calendars having photographs thereon (col. 9, l. 20-37), and at the time of the invention posters were commonly printed using a roll feeder. At the time of the invention, printers commonly used roll feeders to pass the paper through the printer.

Regarding dependent claim 21, Haneda implicitly discloses that the printer is capable of printing a poster of substantially any length in the range between

approximately 5 inches and approximately 48 inches, because Haneda discloses a variety of templates including a cover poster, calendar, enlargement, decoration, and art format (Fig. 23; col. 16, l. 49-53), and Haneda discloses resizing of images for printing (col. 18, l. 30-54), therefore the range of products and automatic resizing implies that the printer is capable of printing a poster of substantially any length in the range between approximately 5 inches and approximately 48 inches.

Regarding independent claim 26, Haneda teaches a method for a user to create a poster, the method comprising the steps of prompting the user to select one of a plurality of templates, since Haneda teaches a print service for printing posters from digital or film image mediums (col. 9, l. 23-50; Fig. 23). Haneda teaches prompting the user to select a template corresponding to a type of poster, since Haneda discloses many templates including a decoration, calendar, and poster (col. 16, l. 49-54).

Haneda teaches a plurality of templates being variously designed for inserting images from one or more image sources (col. 11, l. 35-col. 12, l. 9), since Haneda teaches the use of photo frame templates and decoration templates. Haneda teaches templates for inserting only text, and prompting the user to enter text into each of one or more predetermined portions of the selected template if the selected template is a template designed for inserting only text (col. 12, l. 43-52; col. 18, l. 55-65), since Haneda teaches synthesizing titles into the template using title layout (col. 12, l. 43-52). Haneda teaches outputting a signal representative of the poster, since Haneda teaches printing the poster and storing data representing the composite image of the poster created by the user (col. 19, l. 25-47).

Regarding dependent claims 27-30, claims 27-20 are directed toward substantially similar subject matter as claimed in dependent claims 2-5, and are rejected along the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda, in view of Marshall et al. (hereinafter "Marshall"), U.S. Patent Application Publication No. 2002/0097259 A1, published July 25, 2002.**

In regard to independent claim 22, Haneda teaches a workstation for creating a poster, the components of said workstation being contained within a single housing, because Haneda teaches an image filing and printing apparatus which could be installed at a film store, photography shop, department store or convenience store, to be operated by the customer (col. 9, l. 20-58; Fig. 5), and therefore Haneda discloses that the workstation for filing and printing images is contained within a single housing (Fig. 13, item 200).

Haneda teaches that the components comprise a computer (col. 10, l. 66-col. 11, l. 32); a memory for storing the one or more photo gallery images (col. 10, l. 66-col. 11, l. 32); and a touch screen monitor for monitor for simultaneously displaying the one or

more photo gallery images (col. 10, l. 19-36). Haneda teaches a touch screen, wherein one or more of the one or more photo gallery images stored in the memory may be selected to create the poster (col. 11, l. 35-col. 12, l. 8), since Haneda teaches that the user may use a touch screen to select from template images and user images to produce a composite image for a poster (col. 16, l. 49-53; col. 16, l. 54-col. 17, l. 20; col. 17, l. 55-col. 18, l. 21).

While Haneda teaches a modem and ISDN terminal, an interface device for connecting the workstation to a remotely located server (Fig. 5, item 49), Haneda does not explicitly teach that the interface device is for receiving one or more photo gallery images from the server. However, Marshall teaches a memories product generation system for creating customized posters and images with a memories materials database containing an image bank (p. 4, par. 37-39), and that the customer can both upload and download images from a gallery (p. 6, par. 51), and that the system includes a terminal connected to a network (p. 2, par. 21-p. 3, par. 25; p. 3, par. 28, 30).

Both Haneda and Marshall are analogous art, since both are directed to the generation of customized posters and images. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the networked image bank feature disclosed by Marshall to the image printing apparatus disclosed by Haneda, since both Marshall and Haneda disclose systems which can be housed in a photo kiosk or store (Marshall, p. 3, par. 25; Haneda, col. 9, l. 20-58; Fig. 5), and since Haneda discloses a modem for network connection; it would have been obvious and desirable to combine Haneda and Marshall to allow the easy selection and automatic

organization of images associated with a particular user, so that the individual who has a collection of source materials could process a large number of images and produce a quality customized product (Marshall, p. 1, par. 5).

Regarding dependent claim 23, Haneda teaches that the workstation includes a scanner for inputting personal images (Fig. 5, items 42 and 43).

Regarding dependent claim 24, Haneda teaches the touch screen monitor simultaneously displays the one or more personal images, and wherein one or more of the one or more personal images may be selected to create the poster (col. 11, l. 35-col. 12, l. 8), since Haneda teaches the synthesis of template images and user images to produce a composite image for a poster (col. 16, l. 49-53).

Regarding dependent claim 25, Haneda teaches that the workstation provides diagnostics to the remote server (col. 24, l. 9-20). While Haneda does not explicitly teach that the workstation receives software updates from the server, Marshall teaches a networked application for creating customized image materials with on-line assistance (p. 6, par. 50) and server at a fulfillment center, which would enable the customer to receive updates (p. 2, par. 19-24).

Both Haneda and Marshall are analogous art, since both are directed to the generation of customized posters and images. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the networked system for creating customized image materials disclosed by Marshall to the image printing apparatus disclosed by Haneda, since both Marshall and Haneda disclose systems which can be housed in a photo kiosk or store (Marshall, p. 3, par. 25; Haneda, col. 9, l.

20-58; Fig. 5), and since Haneda discloses a modem for network connection; therefore it would have been obvious and desirable to one of ordinary skill in the art at the time of the invention to combine Haneda and Marshall, in order to allow the user to receive on-line assistance and updates, so that the individual who has a collection of source materials could process a large number of images and produce a quality customized product (Marshall, p. 1, par. 5).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Novais et al., U.S. Patent Application Pub. No. 2003/0023452 A1, published January 2003.

Vallmajo et al., U.S. Patent No. 6,791,723 B1, issued September 2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100